

UNITED STATES DISTRICT COURT
IN THE DISTRICT OF CAMDEN NEW JERSEY

STEPHAN R. BYRD
Petitioner

: CIVIL NO. # 1:23-CV-09610
: - RBK. (mag. N.H.)

v.

UNITED STATES OF AMERICA
Respondent,

: CRIMINAL NO. # 1:15-CR-00409
: 001-RBK

RECEIVED

FEB 27 2024

AT 8:30 _____ M
CLERK, U.S. DISTRICT COURT - DNJ

[AFFIDAVIT OF STEPHAN R. BYRD
[PETITIONER]]

I, Stephan R. Byrd, Depose and State that the following FACTS are True and Correct under penalty of perjury.

(1) I submitted Petitioner 28 U.S.C. § 2255 on the district Court August 28, 2023.

(2) MOTION was set for September 18, 2023. Petitioner received NO ORDER from the Court of the 9/18/2023 ruling.

(3) Defendant put in motion as to show Cause why NO order was sent down by the Court on 9/18/2023. This motion was placed on the docket by the Court in November 2023

(4.) On November 9th 2023, the Court sent down its express order denying Motion to Disqualify Honorable Robert B. Kugler, Denying Motion to do a memorandum of law at a later date, and granting Motion for leave from Court to file additional pages of Petitioner 28 U.S.C. § 2255. The Court also informed the Government that as (respondent) it had 60 days to respond to Petitioner motion in Complete and Full; and that Petitioner had 60 days to respond to Government Reply.

5.) On November 11, 2023 I was made aware of this November 9th order by a family member looking on the docket at the clerk of court office. I was also informed that the Court has on the docket that Mr. Byrd Legal Mail (Court Orders) were being returned to the Court.

[6] I swear in necessity and under penalty of perjury, that when legal mail comes to Hazelton Penitentiary in Bruceston mill, WV., that it is personally delivered to the inmate's door, opened in front of the inmate and the inmate then must sign for the mail. So if the legal mail had come here to the facility it would be a record of such. In which I spoke with Custody and they denied any such record of denying my legal mail.

[7] I also swear in necessity and under penalty of perjury, that as the Sole Petitioner to the matter, I will write a Surreply to the Government rebuttal once it is on the docket posted and I receive a copy.

[8] I also swear in necessity and under penalty of perjury, that I am aware of Magistrate N.H. residing over the 28 U.S.C. § 2255

for a report and recommendation to the District Court Judge Honorable Robert B. Kugler.

9) I also swear in necessity and under the penalty of Perjury, that Federal Rules of Civil Procedure, 1672(a) requires a Magistrate Judge act as follows:

Promptly (to) conduct the required (non-dispositive) proceeding and, when appropriate issue a written order (to the District Judge) stating the decision.

(10) I also swear in necessity and under the penalty of Perjury, that after the magistrate gives the order that I the Petitioner has 14 days from the date of the entry to Object and file with the District Court one part of the Magistrate report or Recommendation that I disagree to.

11. I also swear in necessity and under the penalty of perjury, that by Petitioner simply Objecting Precisely to unfavorable aspects of the Magistrate's Report, that I, Petitioner, Can/May secure a de novo review of the Objections. on the unfavorable aspects. In which I will object to any aspect unfavorable and in conflict with the actual factual record.

12. I also swear in necessity and under the penalty of perjury, that Honorable Judge Robert B. Kugler, the Government Prosecuting Attorneys A.U.S.A. Jason Richardson and Sara A. Aliabadi and F.B.I. Agents, Michael Scimeca, Joseph Foley, Monica Cueto, Carrie Brzencki, have entered a criminal Conspiracy against my Constitutional rights and are doing everything possible to Cover Up the egregious misconduct displayed by Federal Personnel in this Case.

(13) I also swear in necessity and under the penalty of perjury that I am able to prove this entangled conspiracy through a timeline of facts in the record secured with exhibits, if I was asked to do so in the Court of law.

(14.) I also swear in necessity and under the penalty of perjury, that there is overwhelming reports and allegations of serious misconduct occurring at Federal Correctional Complex Hazelton located in Bruceston Mills, WV. Currently the Department of Justice and Bureau of Prisons (BOP) investigating disturbing whistleblower reports of abusive treatment of incarcerated individuals and other employee misconduct at FCC Hazelton to include United States Penitentiary (USP) Hazelton and Federal Correctional Institution (FCI) Hazelton. These reports, combined with public reporting on FCC Hazelton's dire staffing shortages and proliferation of weapons contraband,

paint a grim picture of the institution's inability to ensure a safe environment for those in BOP custody and employees alike. See, Johnson, Kevin, West Virginia Violent prison plagued by officer shortages, pushing staffers to exhaustion, USA Today, <https://www.usatoday.com/story/news/politics/2023/01/22/prison-officer-shortages-plague-west-virginia-facility/11082377002/> (January 22, 2023)

(15) I also swear in necessity and under penalty of perjury, that Whistleblowers provided legally protected disclosures to the offices of Richard J. Durbin, Charles E. Grassley, Joe Manchin III and Shelley Moore Capito, all United States Senators, of the following allegations, some of which are corroborated by public reporting:

- Supervisory staff at FCC Hazelton falsifying documents, encouraging inmate abuse, and covering up alleged abuse and escapes of incarcerated individuals. The falsified documents include medical assessments, incident reports, duty rosters, and time and attendance sheets.

, along with requests to tamper with corresponding security cameras to cover up inmates escaped. The employees engaged in these practices have not been disciplined, and, in some cases, received promotions, despite open investigations into their misconduct.

- A Staff member punching an incarcerated individual on camera
- Staff members using restrictive housing punitively against incarcerated individuals in violation of BOP policy, and Staff engaging in a pattern of physical abuse of inmates residing in Special Housing Units (SHU).⁽²⁾ See, Lam Bailey,

FCI Hazelton: Called 'Misery Mountain' for a Reason, More Than Our Crimes [September 5, 2022] <https://morethanourcrime.org/voices/fci-hazelton-couldn't-misery>

Org / voices / fci-hazelton-couldn't-misery

- Staff repeatedly directing racial slurs against minorities towards other Staff members and incarcerated individuals.

- Staff Stealing inmates personal property such as food and cosmetics purchased at commissary.
- Staff assaulting an incarcerated person, breaking the individual's ribs.
- Staff beating an incarcerated person in situ so severely that the individual had a seizure and was taken to the hospital two days later.
- Staff shredding personal and legal inmate mail and failing to provide inmates access to their mail. There are online reports stating that "if ... [incarcerated persons] file grievances against staff, they make sure you understand who has the upper hand." See, Pam Bailey, Staff in Shortages or Toxic Culture? Prisoners Say Hazelton has Both, More than Our Crimes (Feb 25, 2023)

16.) I swear in necessity and under the penalty of perjury, that I am 100% sane, ablebodied and alert. I do not in anyway, shape or form want to hurt myself. I am 100% dedicated to fighting this case and proving the Criminal misconduct displayed in this case of United States v. Stephan A. Byrd, by the Honorable Robert B. Byler, the Federal Acting Prosecutor, Sara A. Aliabadi and Jason Richardson, along with F.B.I. Personal Mike Scimeca, Joseph Foley, Monica Cueto, and Carrie Bzansk.

17.) I ask the Court to remain Cognizant of my Constitutional Rights and the Courts duty to protect the Constitution as a Article III Judge. I also ask for the Court to remain alert of falsified documents by the Government in this case and possibly the Government

Attorney(s) attempting to lie and falsify the facts in their rebuttal in connection with the Court record, factual development and exhibits.

I, Stephen R. Byrd, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the above stated facts are True and Correct to the best of my knowledge and belief.

Executed on December 28, 2023

Respectfully Submitted

Stephen R. Byrd

Stephen R. Byrd

U.S.M.G. 66971-050

U.S.P. Hazelton

P.O. Box : 2000

Bruce's Mills, WV

26525

STEPHAN R. BYRD
U.S.M.A. 66971-DBD
U.S.P. Hazelton
P.O. Box: 2000
Bruceton Mills, WV 26525

Legal Mail

Pursuant to C.F.R. § 518.40

PITTSBURGH PA 150

6666<T6T80

PM 27 DEC 2023 PM 1 L

RECEIVED

FEB 27 2024

AT 8:30 M

CLERK, U.S. DISTRICT COURT, DNJ

Clerk of Courts
Mitchell H. Cohen Bld.
United States Courthouse
4th and Cooper St.
Camden, New Jersey
08101

FWRD

